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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/837,111	04/18/2001	Joseph W. Mathias	AC179/2000	8997

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EXAMINER

DRUAN, THOMAS J

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 04/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/837,111

Applicant(s)

MATHIAS, JOSEPH W.

Examiner

Thomas J. Druan, Jr.

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2</u> . | 6) <input type="checkbox"/> Other: . |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: "thorough" should most likely be "through" throughout the specification. Examples include p. 4, line 1, page 5, line 3, and p. 5, line 10. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1 & 2 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, lines 5-6 read "a side flat face of a bandsaw blade and a flange extending outwardly from said flat face," though it appears that the flange does not extend from the flat face of the bandsaw blade, but instead extends from some portion of the roller guide, perhaps the outer peripheral surface of the body member. Correction is required. For the application of prior art, claim 1 will be treated as having a flange extending from the peripheral surface as described on page 8, lines 14-16 of the specification.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over US 2,850,852 to Hofberger (hereinafter Hofberger) in view of US 2,601,095 to Crane (hereinafter Crane).

Hofberger discloses the invention substantially as claimed including a body member 10 having a front face 14, a rear face 12 rotatable about an axis passing through the body member, said body member having an outer peripheral surface 16 parallel to said axis, said body having a plurality of passages 18 extending there through with inlets 24 thereto in said rear face and outlets 20 therefrom in said front face, and means 32 adjacent said inlets to cause air to flow through said passages during rotation of the roller (column 3, lines 12-13).

Hofberger does not disclose a flange extending outwardly from said peripheral surface. Crane teaches the addition of a flange to a roller guide in order to provide a "back-up shoulder" for a band saw (column 3, lines 25-27). Therefore, it would have been obvious to one skilled in the art to provide the roller guide of Hofberger with a flange in order to provide a back-up shoulder for a band saw.

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6. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hofberger in view of Crane in further view of US 2,821,269 to Keil (hereinafter Keil).

Hofberger in view of Crane discloses the invention substantially as claimed, but uses either a straight or angled channel as air flow causing means instead of concave depressions sloping in a direction toward each respective air flow passage. Keil teaches using concave depressions 33 sloping in a direction toward each respective air flow passage 15 in order to cause air to flow through the air flow passages. Therefore, it would have been obvious to one skilled in the art at the time of the invention to substitute concave depressions sloping in a direction toward each respective air flow passage in order to cause air to flow through the air flow passages of Hofberger.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. McMillan, Allington, Rayburn, Danly et al., Neumann, Fairchok, Marsh, Percifield, Painter et al., and Deibel are cited to further show the state of the art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Druan, Jr. whose telephone number is 703-308-4200. The examiner can normally be reached on M-F (8:30-6:00) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on 703-308-1082. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

tjd
April 21, 2003

Boyer Ashley
BOYER ASHLEY
PRIMARY EXAMINER